



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,655	12/11/2003	Michael Anthony Alagna	6002-00701	8885

7590 06/27/2008
B. Noel Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

EXAMINER

RAYYAN, SUSAN F

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,655

Applicant(s)

ALAGNA ET AL.

Examiner

SUSAN FOSTER RAYYAN

Art Unit

2167

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 18, 19, 31, 33-35, 48, 49, 61, 63, 78, 79, 128, 129, 134-139, 142 and 153-159 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,3-5,18,19,31,33-35,48,49,61,63,78,79,128,129,134-139,142 and 153-159.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2008 has been entered.

2. Claims 2, 6-17, 20-30, 32, 36-47, 50-60, 62, 64-77, 80-127, 130-133, 140, 141, and 143-152 are canceled. Claims 153-159 are added. Therefore, claims 1, 3-5, 18, 19, 31, 33-35, 48, 49, 61, 63, 78, 79, 128, 129, 134-139, 142 and 153-159 are currently pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 31,33-35,48,49 are rejected as being directed to non-statutory subject matter.

Claims 31 is directed to a system comprising a computer configures to execute program instructions, memory , storing program instructions ... At least one of

Art Unit: 2167

the claimed elements of a system claim must include physical hardware. The Examiner has interpreted the claim limitations as software per se. The claims are software per se and are therefore directed to non-statutory subject matter.

(Applicant removed the limitation of "one or more processors". Applicant could have amended the specification to define the one or more processors as hardware only.)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,3,18-19,31,48-49,61,78-79,128-129, 139, 142 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Number 7,072,944 issued to Chris Lalonde et al ("Lalonde").

As per claim 1 Lalonde anticipates:

making a determination of the likelihood that a first web page received from a first computer network is misrepresented as being from a trusted resource (column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email and column 4, lines

Art Unit: 2167

5-10, spoof sender may include a webpage, col.5, lines 23-44, as compare the purported sender with the actual originator and provide a confidence factor);

including determining that the first web page includes content associated with a request for a financial account number of a user of the information handling system (column 3, lines 1-9, furnish confidential information such as furnish bank account information, credit card details, column 4, lines 5-10, web page that requests confidential information).

As per claim 3 same as claim arguments above and Lalonde anticipates: wherein the content is an information entry field embedded in the web (col.4, lines 7-11, as web gage request confidential information)

As per claim 18 same as claim arguments above and Lalonde anticipates: wherein the financial account number for a bank account of the user (col.3, lines 5-9, confidential information, bank account information).

As per claim 19 same as claim arguments above and Lalonde anticipates: the financial account number is for a credit card account of the user (col.3, lines 5-9, confidential information, bank account information, credit card).

As per claim 128 same as claim arguments above and Lalonde anticipates: wherein said determination is whether the first webpage is from a trusted source, an untrusted source, or a source that cannot be identified as a trusted or

Art Unit: 2167

untrusted source (co1.5, lines 23-44, as compare the purported sender with the actual originator and provide a confidence factor and, col. 6, lines 23-30 as untrusted source, col. 5, lines 33-43 as match confidence level and co1.6, lines 35-40 as undetermined) column 4, lines 5-10, spoof sender may include a webpage).

As per claim 129 same as claim arguments above and Lalonde anticipates: categorize data received via an external network interface of the information handling system as to the likelihood of the received data spoofing its origin(column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email).

As per claim 139 Lalonde anticipates:

receiving a web page at a first computing device via a wide-area network, wherein the web page includes information indicating that its origin is a first source that is trusted by a user of the first computing device andanalyzing the origin's response to determine whether its origin of the received web page is the first source(column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email and (column 6, lines 8-35, as FROM field and Received fields and the WHOIS database));

As per claim 142 same as claim arguments above and Lalonde anticipates: wherein the web page solicits confidential information from the user (column 3,

Art Unit: 2167

lines 5-9, confidential information, bank account details).

Claims 31,61, are rejected based on the same rationale as claims 1.

Claims 48-49, 78-79 are rejected based on the same rationale as claims 18-19.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5,33-35,63,153-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,072,944 issued to Chris Lalonde et al ("Lalonde") and US 2004/00784242 issued to Christopher Newell Toomey ("Toomey").

As per claim 4 same as claim arguments above and Lalonde does not explicitly teach wherein the content is an address of a second web page Lalonde teaches wherein the content is an address of a second web page (co1.4, lines 7-11, as web page (parg. 15, hyperlinks)). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lalonde with wherein the content is an address of a second web page Lalonde teaches wherein the content is an address of a second web page to prevent spoofers

from obtaining user logins and passwords as described by Toomey (parg. 10).

As per claim 5 same as claim arguments above and Toomey teaches wherein the address is a hyperlink embedded in the first web page (parg.15, as chain of hyperlinks).

Claims 33-35, 63 are rejected based on the same rationale as claims 4- 5.

As per claim 153, 158 Lalonde teaches:

making a determination of the likelihood that a web page received from a first computer network is misrepresented as being from a trusted source, including: analyzing a layout of the web page(column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email and column 4, lines 5-10, spoof sender may include a webpage, col.5, lines 23-44, as compare the purported sender with the actual originator and provide a confidence factor).

Lalonde does not explicitly teach determining that the layout of the web page is similar to a layout of a known mistrusted web page. Toomey teaches determining that the layout of the web page is similar to a layout of a known mistrusted web page (parg. 17, as web page and parg. 29-35 as automated contextual analysis). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lalonde with determining

Art Unit: 2167

that the layout of the web page is similar to a layout of a known mistrusted web page to prevent spoofers from obtaining user logins and passwords as described by Toomey (parg. 10).

As per claim 154 Toomey teaches:

wherein said making said determination further includes determining whether the web page's markup language contains the trusted source's name or logo and whether the web page has the same organization of content as the trusted source (parg. 17, as web page and parg. 29-35 as automated contextual analysis).

As per claim 155-157, 159 Lalonde teaches:

making a determination of the likelihood that a web page received from a first computer network is misrepresented as being from a trusted source (column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email and column 4, lines 5-10, spoof sender may include a webpage, col.5, lines 23-44, as compare the purported sender with the actual originator and provide a confidence factor). Lalonde does not explicitly teach wherein the determination is based on one or more of the following criteria: an age of the web page, a size of the web page, a number of hyperlinks to the web page from trusted sources. Toomey teaches wherein the determination is based on one or more of the following criteria: an age of the web page, a size of the web page, and a number of hyperlinks to the web page from

trusted sources (paragraph 15, hyperlinks). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lalonde with wherein the determination is based on one or more of the following criteria: an age of the web page, a size of the web page, a number of hyperlinks to the web page from trusted sources to prevent spoofers from obtaining user logins and passwords as described by Toomey (parg. 10).

Claims 134-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Patent Number 7,072,944 issued to Chris Lalonde et al ("Lalonde"), and US 2004/0030784 issued to Melih Abdulhayoglu.

As per claim 134 Lalonde teaches:

receive data from an external network coupled to the information handling system; analyze the received data to make a determination whether the received data indicates that it is from a first source coupled to the external network, but is actually from a second source coupled to the external network (column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email).

Lalonde does not explicitly teach and the determination is based, at least in part, on the age of the received data, and/or a size of the received data. Abdulhayoglu does teach this limitation at [0106], web page with age certificate. It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Lalonde with determination is based, at least in part, on the age of the received data, and/or a size of the received data to provide extra security as described by Abdulhayoglu at [0105].

As per claim 135 same as claim arguments above and Lalonde teaches: wherein the received data includes information indicating that it is from a source trusted by a user of the information handling system (column 6, lines 8-35, as FROM field and Received fields and the WHOIS database).

As per claim 136 same as claim arguments above and Lalonde teaches: wherein the received data is intended to cause the user to supply confidential information to a source other than the trusted source (column 3, lines 5-9, confidential information, bank account details).

As per claim 137 same as claim arguments above and Lalonde teaches: wherein the confidential information is financial information of the user (column 3, lines 5-9, confidential information, bank account details).

Claim 138 is rejected under 35 U.S.C. 103(a) as being unpatentable over by US Patent Number 7,072,944 issued to Chris Lalonde et al ("Lalonde").and US 2004/0030784 issued to Melih Abdulhayoglu.

As per claim 138 same as claim arguments above and Lalonde and Abdulhayoglu does not explicitly teach wherein the confidential information is login information of the user. Toomey teaches this (at paragraph 18 as

password) to prevent spoofers from obtaining user logins and passwords. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lalonde and Abdulhayoglu with wherein the confidential information is login information of the user to prevent spoofers from obtaining user logins and passwords as described by Toomey (parg. 10).

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant argues submits that various amended independent claims each refer to a "web page." Applicant further submits that because Lalonde includes no teaching or suggestion of, for example, "making a determination of the likelihood that a first web page received from a first computer network is misrepresented as being from a trusted source" (see amended claim 1), Lalonde does not anticipate any claims referring to a "web page." Examiner finds Lalonde teaches making a determination of the likelihood that a first web page received from a first computer network is misrepresented as being from a trusted resource (column 5, lines 9-44, as provides a confidence factor (1-10) confidence factor or warning or authenticity indicator to the recipient of the email and column 4, lines 5-10, spoof sender may include a webpage, col.5, lines 23-44, as compare the purported sender with the actual originator and provide a confidence factor).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN FOSTER RAYYAN whose telephone number is (571)272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/
Supervisory Patent Examiner, Art
Unit 2167

Art Unit: 2167

SR

June 22, 2008